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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,984	10/30/2003	James D. Dale	1062/D74	7856
2101 7590 09/26/2007 BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EXAMINER LUGO, CARLOS	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,984

Applicant(s)

DALE, JAMES D.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,9-12,19,21,23-26,30,32-34,39,40 and 45-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6 and 48-51 is/are allowed.
- 6) ☒ Claim(s) 1,10-12,19,21,23-26,30,32-34,39,40,45-47 and 52-55 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on July 30, 2007.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
3. **Claims 1,9-12,19,21,23-26,30,32-34,39,40, and 44-47 rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

After further consideration, the "pump cassette" limitation is not part of the invention, the door locking system. The pump cassette limitation is part of the blood disposal device.

Therefore, it is unclear if the applicant is trying to claim the door locking system in combination with the blood disposal device or just the door locking system.

Therefore, in order to continue with the examination, the limitation would be given a broad interpretation.

As to claims 44,46,52 and 55, it is unclear how the assembly can comprises the handle. According to the invention, the handle 742 is on the door, not in the assembly. Therefore, appropriate correction and explanation is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,10-12,19,21,23-26,30,32-34,39,40,45 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,073,521 to Mena.

Regarding claims 1,19,21,32,34,45, and 47, Mena discloses a door locking system comprising an assembly (13) including a latching structure (33,34); a door (14) movably coupled to the assembly and including a latch member (32,35) for engagement with the latching structure in a closing position of the door, when the door is latched to the assembly; and a movable member (16) coupled to the door for applying a force towards the opening direction of the door to maintain the engagement of the first and second undercut features to keep the door latched. The movable member is operably coupled to contact an element (any surface between 33 and 34) positioned between the movable member and the assembly.

As to the limitation "pump cassette" the limitation is considered as part of a device that is intended to use the door locking system. Therefore, the limitation has no patentably weight. A recitation with respect to the manner in which an apparatus is intended to be employed does not impose any structural limitation upon the claimed apparatus, which differentiates it from a prior art reference disclosing the structural limitations of the claim.

As to claims 10,24, and 39, Mena discloses that the movable member (16) is an expandable member.

As to claims 11,25, and 40, Mena discloses that the expandable member is a bladder (16).

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As to claims 12 and 26, Mena discloses that the system further comprises a pneumatic circuit (39) for controlling the movable member.

As to claim 23, Mena illustrates that the system further comprises a handle (29) attached to the second engagement means (by means of the door 14).

As to claims 30 and 33, Mena discloses that the system further comprises disengaging means (39).

6. **Claims 1,10-12,19,21,24-26,30,32-34,39,40,45, and 47 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,150,796 to Pierson (Pierson '796).

Regarding claims 1,19,21,34,45 and 47, Pierson '796 discloses a door locking system comprising an assembly (5) including a latching structure (30); a door (3) movably coupled to the assembly and including a latch member (12) for engagement with the latching structure in a closing position of the door, when the door is latched to the assembly; and a movable member (9) coupled to the door for applying a force towards the opening direction of the door to maintain the engagement of the first and second undercut features to keep the door latched. The movable member is operably coupled to contact an element (any surface between 9 and 5) positioned between the movable member and the assembly.

As to claims 10,24 and 39, Pierson '796 discloses that the movable member (9) is an expandable member.

As to claims 11,25 and 40, Pierson '796 discloses that the expandable member is a bladder (9).

As to claims 12 and 26, Pierson '796 discloses that the system further comprises a pneumatic circuit (connected to 10) for controlling the movable member.

As to claims 30 and 33, Pierson '796 discloses that the system further comprises disengaging means (pneumatic circuit).

Allowable Subject Matter

7. **Claims 5,6 and 48-51 are allowed.**
8. **Claim 52 would be allowable** if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
9. **Claims 53 and 54 would also be allowed** because the claims depend from claim 52.
10. **Claims 46 and 55 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
11. **Claim 9 is objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. After further consideration, a non-final rejection has been made on the record. The pump cassette limitation is part of the blood disposal device, not of the door locking system. The limitation has no effect on the locking system. Therefore, the pump cassette is just part of a device that is intended to be use with the door locking system.

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Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Carlos Lugo
Primary Examiner
Art Unit 3676

September 20, 2007.